

27



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,849	06/20/2005	Paul Stephens	CE00516UM	7950

20280 7590 09/19/2006

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EXAMINER

KARIKARI, KWASI

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/539,849

Applicant(s)

STEPHENS, PAUL

Examiner

Kwasi Karikari

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-55 is/are pending in the application.
4a) Of the above claim(s) 1-31 (canceled) is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 32-55 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/20/2005.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 06/20/2005 is in compliance with the provision of 37 CFR 1.97, has been considered by the Examiner, and made of record in the application file.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claims 38,39 and 40, the applicant recites the limitations "said intermediate server" and "said serving intermediate device", however, there are insufficient prior antecedent basis for these limitations in the claims. For examination purposes examiner the examiner will treat the "said intermediate server" and "said serving intermediate device" as the "intermediate device as appeared in claim 34. All claims that depend on the above rejected claims are also rejected for fully incorporating the deficiencies of the above rejected claims from which they depend. Appropriate corrections are required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 32-47 and 49-55 are rejected under U.S.C. 102(e) as being anticipated by Haddad et al., (U.S 20030137435 A1), (hereinafter Haddad).

Regarding **claim 32**, Haddad discloses a method of providing location-based services (= arrival of bus at a specified location, see Par. [0015]) by a mobile service provider (= buses 14a-m, see Par. [0103]) using a wireless communication system (see Pars. [0036 and 0114] and Fig.1) that facilitates communication with a plurality of communication units, the method comprising:

providing location information (= arrival of bus at a specified location, see Par. [0015]), via a mobile communication unit (= mobile base station, see Par. [0037-38]) adapted for use by the mobile service provider (buses 14) of at least one of a

Art Unit: 2617

current location of, and a location to be visited by (= specified bus stop), the mobile service provider to an intermediate device (= monitoring the progress of each vehicle along its route, see Pars. [0027-0033 and 0037]; whereby the control processor is being associated with the "intermediate device"); and

initiating the transmission of a wireless message (= alert signal to user, see Par. [0036]), by the intermediate device in dependence on the location information provided by the mobile service provider, to a number of communication devices (= number of passengers 18a-x with mobile phones 20a-x, see Par. [0103]) in the at least one of the current location of, and the location to be visited by, the mobile service provider, wherein said wireless message indicates a service to be provided by said mobile service provider at the at least one of the current location of, and the location to be visited by, the mobile service provider (= each bus or other vehicles communicates their position which translate into an expected time of arrival of the bus, see Pars. [0036-0045]).

Regarding **claim 33**, as recited in claim 32, Haddad discloses the method, wherein the initiating the transmission of a wireless message step comprises transmitting a wireless message to a number of communication devices in a predetermined location when the location information indicates the mobile service provider has at least one of moved into and is approaching the predetermined location (see Pars. [0028-37]).

Regarding **claim 34**, as recited in claim 32, Haddad discloses that the method further comprising:

registering an interest in said service by a number of communication devices (user 18 specify how they wish to be notified of the expected event, see Par. [0020]); and identifying the communication devices that have registered an interest in said service and that are located in the at least one of the current location of, and the location to be visited by, the mobile service provider, such that said wireless message is transmitted to said communication devices (see Par. [0019-22]).

Regarding **claim 35**, as recited in claim 34, Haddad discloses the method, wherein registering an interest (expected arrival time of the bus, see Par. [0020]) in said service by said number of communication devices is specific to at least one of a particular geographic location and a location identified by a postcode (electronic address or office phone, see Pars. [0020,0109 and 0143]).

Regarding **claim 36**, as recited in claim 32, Haddad discloses the method, wherein said wireless message includes contact details for said mobile service provider, the method further comprising:

receiving said wireless message at a number of communication devices; and contacting, by one or more users of said communication devices, said mobile service provider in response to receiving said wireless message (wireless device has the functionality of alerting impending event and may allow voice connection or text communication, see Pars. [0141-42 and 0168]).

Regarding **claim 37**, as recited in claim 32, Haddad discloses that the method further comprising: broadcasting, by said intermediate device, a message to said number of communication units within a location area indicating an availability of said mobile service provider (see Pars. [0018, 0027-33 and 0126]).

Regarding **claim 38**, as recited in claim 34, Haddad discloses that the method further comprising: accessing a database (see database 23, Fig. 4), by said intermediate server, to identify a group of users that have registered an interest in said service provided by said mobile service provider (see Pars. [0109 and 0116] and Fig. 4).

Regarding **claim 39**, as recited in claim 38, Haddad discloses the method, wherein said database contains location information for a number of said users such that one or more of said user are informed by said serving intermediate device when said mobile service provider enters at least one of a communication cell, a geographic area, and a post code area matching said location (see Pars. 0105 and 0112).

Regarding **claim 40**, as recited in claim 34, Haddad discloses the method, wherein registering an interest in said service comprises: subscribing, by a user interested in said service provided by said mobile service provider, to at least one of a network operator (base station 12, see Fig. 1) and a wireless service provider operating said serving intermediate device, such that information relating to said service is communicated to said subscribed user (see Par. [0105-0112]).

Regarding **claim 41**, as recited in claim 32, Haddad discloses that the method further comprising:

accessing a database (database 23, see Par. [0116]), by said mobile service provider, wherein said database identifies a group of users in a location that have registered an interest in said service provided by said mobile service provider (see Par. [0105-0112]); downloading a list of said group of users (user request for early alert alarm is sent to the processor that include a database see Pars. [0105 and 0109] and Fig. 4); moving into said location by said mobile service provider; and transmitting a wireless message to a number of said group of users directly by said mobile service provider based on said downloaded list (see Pars. [0116 and 0126]).

Regarding **claim 42**, as recited in claim 32, Haddad discloses that the method further comprising: polling a number of communication devices in at least one of the same geographic area and cell where said mobile service provider is located to determine whether any of said polled communication devices have registered an interest to use a service offered by said mobile service provider (= signals are sent to user's mobile devices and devices which have a filter set appropriately will react to receipt of the telecast broadcast, see Par. [0126]).

Regarding **claim 43**, as recited in claim 32, Haddad discloses that the method further comprising: notifying said number of communication devices in a location of at least one of an event and an availability of said service at said location, via a short message

service (SMS) message (see Pars. [0036-0141]).

Regarding **claim 44**, as recited in claim 32, Haddad discloses the method, wherein the transmission of a wireless message to a number of communication devices is sent at least one of: (i) intermittently, (ii) periodically, and (iii) during low traffic periods to utilize less expensive calling rates (see Pars. [0015-18 and 0126]).

Regarding **claim 45**, as recited in claim 37, Haddad discloses the method, wherein broadcasting a message of said availability of said mobile service provider (112) is sent at least one of: (i) intermittently, (ii) periodically, and (iii) during low traffic periods to utilize less expensive calling rates (see Pars. [0015-18 and 0126]).

Regarding **claim 46**, as recited in claim 37, Haddad discloses the method, wherein the transmission of a wireless message is sent on the same wireless communication system, as said step of broadcasting a message of said availability (see Pars. [0018 and 0126]) .

Regarding **claim 47**, as recited in claim 37, Haddad discloses the method, wherein broadcasting a message of said availability is sent on an adjunct communication system (= Bluetooth) to the communication system facilitating the transmission of a wireless message (see Par. [0036]).

Regarding **claim 49**, as recited in claim 32, Haddad discloses the method, wherein providing location based services by a mobile service provider using a wireless communication system that facilitates communication is implemented at least in part using a storage medium storing processor-implementable instructions adapted to control a processor (see Par. [0037-43 and 0165]).

Regarding **claim 50**, as recited in claim 32, Haddad discloses the method, wherein the wireless communication system is one of a UMTS communication system, a GSM communication system, a GPRS communication system, and a Bluetooth communication system (see Par. [0036]).

Regarding **claim 51**, as recited in claim 32, Haddad discloses the method, wherein the mobile communication unit of the mobile service provider is one of: a cellular phone, a portable radio, a mobile radio, a personal digital assistant, a laptop computer, and a wirelessly networked PC (= mobile base station, see Par. [0037]; which is being associated with "mobile radio").

Regarding **claim 52**, Haddad discloses a mobile communication unit (= mobile base station, see Par. [0037-38]) for use by a mobile service provider (= bus 52, Fig. 5), comprising:

a processor (= control processor of the mobile base station, see Par. [0038]); and
a transmitter (communication between transponder and bus, see Fig. 7), operably coupled to and responsive to said processor, wherein said processor is configured to

Art Unit: 2617

provide location information of at least one of a current location of, and a location to be visited by (= each bus communicates it's location to a control processor which uses the location to establish and alert user that the specific bus is coming, see Par. [0038]), the mobile service provider to initiate transmission of a wireless message to a number of communication devices in a location (= an alert to user, also see Pars. [0036-43]), where the location corresponds to the at least one of the current location of, and the location to be visited by, the mobile service provider, and wherein said wireless message indicates a service (catching a bus, see Pars. [0036-43]) to be provided by said mobile service provider in said location (a selected bus stop, see Par [0027]).

Regarding **claim 53**, as recited in claim 52, Haddad discloses the mobile communication unit, wherein said mobile communication unit is adapted to function as a mobile service provider advertising device and said wireless message includes one or more of the following:

mobile service provider contact details, a service provided/offered by a user of the mobile communication unit, a communication cell or geographical location of, or to be visited by, the mobile communication unit (see Pars. [0038, and 0128-27])..

Regarding **claim 54**, as recited in claim 52, Haddad discloses the mobile communication unit, wherein, wherein said mobile communication unit further comprising a receiver and a memory unit, operably coupled to said processor (see Pars. [0038]), said receiver arranged to receive a list of subscriber groups that have

Art Unit: 2617

registered an interest in the service offered by the mobile service provider in a particular geographic area or communication cell, and said memory unit is configured to store said received list (see Pars. [0105-0113 and 0109]).

Regarding **claim 55**, as recited in claim 52, Haddad discloses the mobile communication unit, wherein, wherein the communication unit is one of: a cellular phone, a portable radio, a mobile radio, a personal digital assistant, a laptop computer, and a wirelessly networked PC (= mobile base station, see Par. [0037]; which is being associated with "mobile radio").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 48 is rejected under U.S.C. 103(a) as being unpatentable over Haddad in view of Kinnunen et al. (U.S. 20010018349 A1), (hereinafter Kinnunen).

Regarding **claim 48**, as recited in claim 37, Haddad fails to disclose the method, wherein the mobile service provider goes through an authentication process.

However, Kinnunen teaches the method, wherein the mobile service provider goes through an authentication process (see Par.[0109]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Kinnunen with the system of Haddad for the benefit of achieving a system that authenticate service provider in other to confirm to service users that all services presented to them are legitimate (see Kinnunen, Par. [0109]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stocker et al. (U.S 6,510,323) teaches a method and system for providing general information to users in a mobile radio network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is 571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

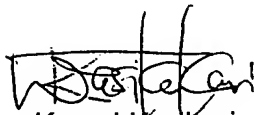
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


Art Unit: 2617

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kwasi Karikari
Patent Examiner.



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER